

## REMARKS

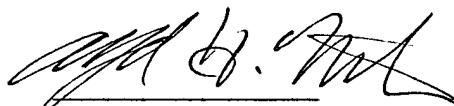
By this amendment, the title has been changed to reflect that the invention is directed to a method. Page 1, lines 9-11 have been amended to reflect the correct lineage of the application. Claims 24, 25 and 29 have been amended to remove terms lacking antecedent basis or to provide proper dependency for antecedent basis for the terms (claims 29). Please note that the term "the fluid introduction port" is only used in claim 40 and line 1 of this claim provides antecedent basis for the term. It appears, therefore, that the objection to claim 41 is in error.

Claims 1-12 and 48-49 have previously been canceled. Currently, claims 13-47 are pending.

The rejection of Claims 13-47 under 35 U.S.C. 103(a) as being unpatentable over Bok et al. is respectfully traversed. All of the dependent claims depend from independent Claim 13. Claim 13, lines 2-3 states "providing in a liquid state and at a first selected temperature and a first selected pressure, the formative fluid which is capable of forming the selected material;" and in lines 7-9, further requires that at least part of the formative fluid is at a second selected temperature which is below the supercritical temperature of the formative fluid. It is the applicant's intent to claim that the present method maintains the formative fluid in a liquid state as opposed to a supercritical state while the fluid is in the fluid conduit. It is this precise control provided by regulating the temperature of the "formative fluid as it passes through the fluid conduit", that provides the optimal atomization of the formative fluid. Bok et al. teaches mixing the coating material with a supercritical fluid to aid in atomization. The supercritical fluid must be above the supercritical temperature in order to be in a supercritical state. Further, the temperature of the coating material is not described with respect to its supercritical temperature. As the present claims require that the temperature of at least some of the "formative fluid" (that is atomized to form the selected material) be maintained below the supercritical temperature, it is respectfully submitted that the claims are patentable over Bok et al.

As this amendment is being submitted in the fourth month of the statutory period, the Commissioner is hereby authorized to charge deposit account 501231 the amount of \$110 for a one month extension. The Commissioner is also authorized to charge any additional fees due, or to credit any overpayment to this account.

Respectfully Submitted,



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